

Exhibit E

Deposition of Adrienne M. St. John

(Pages: 34-35, 40-55, 58-61, 68-69,
72-75, 100-105, 115-121)

(Exhibits: 12A, 13)

ORIGINAL TRANSCRIPT

STATES UNITED DISTRICT COURT

DISTRICT OF MASSACHUSETTS

C.A. NUMBER: 04-11924-RGS

IAN J. BROWN, JAMES BROWN AND BARBARA BROWN,
Plaintiffs,

VS

UNITED STATES OF AMERICA,
VERIZON NEW ENGLAND, INC. AND BOSTON EDISON
COMPANY D/B/A NSTAR ELECTRIC,
Defendants.

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RULE 30(b)(6) DEPOSITION OF ADRIENNE M.  
ST. JOHN, taken on behalf of the Defendants,  
pursuant to the applicable provisions of the  
Massachusetts Rules of Civil Procedure, before  
Laurie J. Driggers, a Certified Realtime  
Reporter, Registered Professional Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the Offices of Prince, Lobel,  
Glovsky & Tye, LLP, 585 Commercial Street,  
Boston, Massachusetts, on April 13, 2005,  
commencing at 9:37 a.m.



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1 A. That's it.

2 Q. Okay. Ms. St. John, are you  
3 familiar with Hartwell Road in the Town of  
4 Bedford?

5 A. I am.

6 Q. Okay. And by the way, just so the  
7 record's clear, there is also a Hartwell  
8 Ave. in Bedford; is that correct?

9 A. No. Hartwell Ave. is in Lexington.

10 Q. And Hartwell Ave. that you speak of  
11 in Lexington, that runs into Hanscom Air  
12 Force Base; is that correct?

13 A. It does.

14 Q. And just so we're clear, we're  
15 speaking about the Hartwell Road in  
16 Bedford, correct?

17 A. Mm-hmm. Yes.

18 Q. Have you ever driven on Hartwell  
19 Road before?

20 A. Yes, I have.

21 Q. Frequently?

22 A. Yes, I have.

23 Q. You say you've been the -- you've  
24 worked for the town for 18 years; is that



1 correct?

2 A. I've been the public works engineer  
3 for 18 years.

4 Q. Okay. How long have you worked for  
5 the town?

6 A. Nineteen-and-a-half.

7 Q. And in that 19-and-a-half years,  
8 how many times could you estimate that  
9 you've driven on Hartwell Road before?

10 A. Hundreds.

11 Q. Okay. So you're very familiar with  
12 -- with the road.

13 A. I am.

14 Q. Okay. Can you tell me what roads  
15 Hartwell Ave. travels between?

16 A. Hartwell Road?

17 Q. Yes. Did I say Hartwell Avenue?

18 A. You did.

19 Q. Okay. Can you tell me what roads  
20 Hartwell Road travels between?

21 A. Hartwell Road connects -- travels  
22 between Concord Road in Bedford and South  
23 Road in Bedford.

24 Q. Is Concord Road Route 62?



1 A. I would have to assume, since it  
2 goes to the Air Force base.

3 Q. Okay. Does -- Is Route 62 or  
4 Concord Road a means of access to the Air  
5 Force base as well?

6 A. Certainly.

7 Q. Okay. And from Route 62 where it  
8 intersects with Hartwell Road, can you  
9 tell me how you would travel to -- to the  
10 entrance to Hanscom Air Force Base from  
11 there?

12 A. From the intersection of Hartwell  
13 Road and Concord Road?

14 Q. Right.

15 A. If you were going to the base --

16 Q. Yes.

17 A. -- you would travel -- well, let's  
18 say eastbound on Hartwell Road. When you  
19 came to South Road, you would turn right  
20 and travel south on South Road. You would  
21 follow that to the intersection of South  
22 Road and Summer Street, still in Bedford.  
23 You would turn left and travel east on  
24 Summer Street into Lexington, which turns



1 into, I believe, McGuire Road. And then  
2 you would take a right onto Hartwell  
3 Avenue and travel into the air base.

4 Q. From Route 95 or 128 --

5 A. Mm-hmm.

6 Q. -- would that be a direct route to  
7 Hanscom Air Force Base, or is there a more  
8 direct route that you would take from 95  
9 or 128?

10 A. Hartwell Road in Bedford -- You  
11 would not travel on Hartwell Road to get  
12 into the base if you were on 128.

13 Q. Okay. How about Route 62?

14 A. What was the question?

15 Q. Would you travel on Route 62 from  
16 Route 95 to get to Hanscom Air Force Base?

17 A. State-numbered Route 62?

18 Q. Yes. Concord --

19 A. No.

20 Q. I'll reask the question.

21 A. No.

22 Q. Okay. And the same for South Road?

23 A. You would not travel on South Road.  
24 If you were on 128 and you were going to



1 the air base, you would not travel on --  
2 directly on -- on South Road.

3 Q. Okay. How about if you were coming  
4 from Route 2, would you travel on Concord  
5 Road or Route 62 to access Hanscom Air  
6 Force Base?

7 A. If you came through Concord.

8 Q. Okay. And --

9 A. But Route 2 and 128 connect so that  
10 -- unless you're avoiding the highway.  
11 You can get to Hartwell - you can get to  
12 Hanscom from Route 2 via Concord.

13 Q. Okay. And would you travel past --  
14 if you were taking that route, would you  
15 travel past the intersection of Concord  
16 Ave. and Hartwell Road?

17 A. You could, yes.

18 Q. Is that a direct route to Hanscom  
19 Air Force Base from Route 2?

20 A. No.

21 Q. Okay. Same question with respect  
22 to South Road. Would -- I'll ask you  
23 this. Coming from Route 2 --

24 A. Yup.



1 Q. -- would you travel on -- over  
2 South Road to access Hanscom Air Force  
3 Base?

4 A. No.

5 Q. Okay.

6 A. No.

7 Q. That would not be a direct route.

8 A. No.

9 Q. Okay. Can you describe for me  
10 Hartwell Road, generally?

11 A. Hartwell Road is a two-lane  
12 roadway. The eastern part of it has  
13 granite curbing and a sidewalk on the  
14 north side. It's through a residential  
15 area. There is some town-owned land off  
16 of Hartwell Road -- again, this is on the  
17 east side of Hartwell Road. The bottom --  
18 The southern part of Hartwell Road is  
19 surrounded by industrial buildings. It is  
20 also a two-lane, paved roadway. There are  
21 no sidewalks and there's no curbing. And  
22 then west of what we call Raytheon, it,  
23 again, is a two-lane, paved roadway  
24 through a very sparsely residential area.





1 MR. LEWIN: Okay. Copies  
2 for everyone. Could we mark these as an  
3 exhibit?

4 (Exhibit-12, MapQuest Maps,  
5 marked for identification).

6 BY MR. LEWIN:

7 Q. I'm showing you what's been marked  
8 as Exhibit 12. I'll represent to you that  
9 this is a map printed off the Internet.  
10 Do you recognize on the top sheet, what's  
11 depicted in that map?

12 A. (Witness viewing document). I do.

13 Q. Okay. And can you just show me on  
14 the map where Hartwell Road is?

15 A. Hartwell Road is this gray line  
16 that forms somewhat of a -- of a U  
17 (indicating).

18 Q. Okay. When I just asked you a  
19 question to describe Hartwell Road, you  
20 said it started out through a residential  
21 area. On the map, can you show me where  
22 the residential area you're talking about  
23 is?

24 A. The eastern residential area runs



1 from a point here at South Road past Inde  
2 -- past a road labeled Independence Road  
3 to approximately this gray line running  
4 northwest that is unlabeled (indicating).

5 Q. That gray line, do you know what  
6 that is?

7 A. That's Bagley Avenue.

8 Q. Okay. And that residential area,  
9 are those privately owned residences?

10 A. They are.

11 Q. Okay. Okay. The next area you  
12 indicated was surrounded by industrial  
13 buildings on the south side.

14 A. And on the north side.

15 Q. And on the north side.

16 A. I didn't specify which side --

17 Q. Okay.

18 A. -- but both sides, yup.

19 Q. Okay. And can you show me what  
20 area of the road you're referring to here  
21 that's surrounded by industrial buildings?

22 A. Again, assuming that north is  
23 straight up on this paper, just west of  
24 Bagley Avenue --



1 Q. Okay.

2 A. -- there is a facility, an  
3 industrial building. Just south of  
4 Hartwell Road, actually, under the word  
5 Hartwell Road, there is a hangar. And  
6 traveling further west, there's a -- an  
7 industrial facility on the south side and  
8 there's an industrial facility and a  
9 treatment facility on the north side  
10 (indicating).

11 Q. Okay.

12 A. There is a section of mil -- There  
13 is a section of homes -- mil -- military  
14 mobile homes in and along these roads that  
15 are not labeled north of Hartwell Road  
16 (indicating).

17 Q. All right. The first industrial  
18 facility that you located which was north  
19 was Hartwell Road, do you know what that  
20 facility is?

21 A. It's referred to as the Raytheon  
22 facility on the hill. It's, as I  
23 understand it, an old Naval weapons  
24 research facility.



1 Q. Is that facility operational, to  
2 your knowledge?

3 A. Approximately two years it was  
4 closed down.

5 Q. Two years from now?

6 A. Roughly two years ago. I'm  
7 guessing at the time frame.

8 Q. Do you know when it was opened?  
9 Was -- Was that a Raytheon facility when  
10 it was functioning?

11 A. Raytheon was a tenant in the  
12 building, yes.

13 Q. And that was a civilian facility.

14 A. I don't know who worked there.

15 Q. Okay. And then you indicated that  
16 there is a hangar right below the word  
17 Hartwell Road on -- on this map.

18 A. Mm-hmm.

19 Q. Do you know who operates in that  
20 hangar?

21 A. Currently, I don't think anybody is  
22 in the hangar. I don't know who operated  
23 in there before. I don't know if it was  
24 Raytheon or Hanscom or Massport.



1 Q. Do you know when that hangar went  
2 empty?

3 A. I believe they have been -- they  
4 abandoned both of them at the same time,  
5 so roughly two years ago.

6 Q. Okay. And then you indicated on  
7 those unnamed -- unlabeled streets on the  
8 map that there is some military housing;  
9 is that correct?

10 A. Yes.

11 Q. Okay. Do you know who owns that  
12 property?

13 A. Where the military houses are?

14 Q. Yeah.

15 A. That is part of Hanscom Air Force  
16 Base.

17 Q. Okay.

18 A. Whether or not it's owned by  
19 Massport or the U.S. Government, I don't  
20 -- I don't know.

21 Q. Okay. Then slightly further west  
22 on Hartwell Road, you indicated that there  
23 was -- I believe you said another facility  
24 south of Hartwell Road; is that correct?



1 A. Yes. The current Raytheon facility  
2 is located just south of Hartwell Road.

3 Q. And that is operational at this  
4 time.

5 A. Yes.

6 Q. Do you know if that is a civilian  
7 operation?

8 A. There are civilians who work there,  
9 yes.

10 Q. And then you indicated, I believe,  
11 that further -- what, I guess, would be  
12 north and west down Hartwell Road was  
13 sparsely residential. Is that what you  
14 said?

15 A. Yes. There is another industrial  
16 building on the north side of Hartwell  
17 Road just west of the military housing  
18 (indicating).

19 Q. Okay. And what is that facility?

20 A. I'm not sure who's in that  
21 building, but there's a couple of  
22 buildings there and the second building is  
23 a water treatment plant.

24 Q. And is the water treatment plant



1 operational?

2 A. As far as I know, yes.

3 Q. And is that owned by the Town of  
4 Bedford?

5 A. No.

6 Q. Do you know who owns or runs that  
7 facility?

8 A. I don't know which branch of the  
9 military owns it -- is running it.

10 Q. But one branch of the military runs  
11 that water treatment facility.

12 A. Yes. Yup.

13 Q. Okay. And is that -- Are those  
14 all of the industrial buildings that are  
15 located along Hartwell Road?

16 A. There might be some smaller out  
17 buildings, but those are the bulk of them,  
18 yes.

19 Q. Okay. As you proceed further north  
20 and west down Hartwell Road, what's  
21 located along the side of the road?

22 A. There's a couple of single-family  
23 homes on the east side of Hartwell Road.  
24 One of them is what's called the -- the



1 egg farm. And on the west side of  
2 Hartwell Road, there's a couple of  
3 single-family homes. There's a new street  
4 that's gone in, it's not shown on this  
5 map, called Sorens Way, and that has maybe  
6 about seven single-family lots.

7 Q. Do you know when that street was  
8 put in?

9 A. It's still under construction.  
10 They probably began about two years ago.

11 Q. Okay. The egg farm, what's the egg  
12 farm?

13 A. It's a small farm. It has a  
14 little grocery store where you can buy  
15 fresh produce, certainly eggs. There are  
16 some chickens that run around and there's  
17 the -- the show pig that -- a little  
18 attraction for the -- for the kids.

19 Q. Okay. For the residents located on  
20 the easterly side of Hartwell Road in the  
21 area where -- off of South Road, if they  
22 were coming on Route 62 from the left side  
23 of this map, what would be the most direct  
24 route to their homes?





52

1 A. Are you saying that they lived here  
2 on this section of Hartwell Road  
3 (indicating)?

4 Q. Yes. And they were coming --

5 A. From Route 62?

6 Q. -- from the left side of this map.

7 A. So they would be traveling east on  
8 Route 62, they would turn right on  
9 Hartwell Road. And if they lived over  
10 here (indicating), then they would  
11 eventually get home.

12 Q. Okay. And is that the most -- Is  
13 that the quickest route to those  
14 residences from that location on Route 62?

15 A. Yes.

16 Q. That would be quicker than taking  
17 Route 62 up and then turning right to  
18 South Road.

19 A. Yes.

20 Q. Okay. Likewise, for employees that  
21 worked at the Raytheon building, coming  
22 from Route 62 on the left side of this  
23 map, what would be the quickest route for  
24 them to get to their workplace?



1 A. If they lived on the --

2 Q. No, sorry. Employees at the  
3 Raytheon facility --

4 A. Yup.

5 Q. -- if they were going to work from  
6 Route 62 on the left side of this map --

7 A. Oh.

8 Q. -- what would be the quickest route  
9 for them to get to work?

10 A. Traveling on Route 62, they would  
11 take a right onto Hartwell Road and they  
12 would end up at the Raytheon facility.

13 Q. Okay. And to your knowledge, is  
14 that the primary access route for the  
15 Raytheon facility?

16 A. It's the primary access route for  
17 people approaching from the west.

18 Q. Okay. How about for people  
19 approaching -- How about for people  
20 approaching from Route 95 or 128? How  
21 would they get to the Raytheon facility?  
22 What's the most direct route to the  
23 Raytheon facility?

24 A. If they were on Route 128, they



1 would get off at the Route 4/225 exit.  
2 They could go either Hartwell Ave. in  
3 Lexington to Summer Street to South Road  
4 and take a left on Hartwell Road. Or  
5 they could stay on Route 4/225, travel  
6 through -- through the eastern part of  
7 Bedford. Then they could either turn left  
8 on Loomis Street and come down south on  
9 South -- south on South Road and turn  
10 right on Hartwell Road. Those probably  
11 would be the more direct routes.

12 Q. In any event, to access Raytheon,  
13 employees needed to travel over Hartwell  
14 Road, correct?

15 A. Yes.

16 Q. And likewise, the other industrial  
17 facilities that are located where you've  
18 indicated on the map, they would need to  
19 travel on Hartwell Road, correct?

20 A. Yes.

21 Q. And there's no access to those  
22 facilities directly through Hanscom Field;  
23 is that correct?

24 A. Correct.



1 Q. Okay. I want to ask you some  
2 questions about the legal status of  
3 Hartwell Road. Do you know whether  
4 Hartwell Road is a public way?

5 A. It has not been accepted by the  
6 Town of Bedford.

7 Q. Okay. No portions of Hartwell Road  
8 have been accepted as a public way?

9 A. Correct.

10 Q. Okay. What -- What actions did you  
11 take to research whether Hartwell Road was  
12 a public way before today?

13 A. I've referred to this Accepted  
14 Street Register, Exhibit Number 2.

15 Q. And does Exhibit Number 2 -- Is  
16 that the official document for the town  
17 that lists all streets that are accepted  
18 as public ways?

19 A. That's the document that either the  
20 Town Clerk or the public works refers to,  
21 yes.

22 Q. Are there any other documents kept  
23 by the town that reflect ways that are  
24 designated as public -- Let me rephrase



1 A. The real estate plans that we  
2 brought today?

3 Q. Yes.

4 A. I don't think so, no.

5 Q. Okay. So to your knowledge, the  
6 only records would be the -- the town  
7 meeting record of the town meeting votes.

8 A. Yes.

9 Q. That would reflect whether or not a  
10 road was a public way.

11 A. Yes.

12 Q. Okay. And to the best of your  
13 understanding, Exhibit Number 2 lists all  
14 of those public ways.

15 A. Yes.

16 Q. Okay. I want to ask you some  
17 questions about the maintenance of Hartwell  
18 Road.

19 A. Mm-hmm.

20 Q. Does the Town of Bedford maintain  
21 Hartwell Road?

22 A. In what -- In what aspect?

23 Q. Does the town plow Hartwell Road?

24 A. Yes, we do.



1 Q. Sand?

2 A. Yes.

3 Q. Street sweep?

4 A. Yes.

5 Q. Pave?

6 A. Not on -- We paved it where we did  
7 the sewer repairs.

8 Q. Okay. Do you know who initially  
9 paved Hartwell Road?

10 A. No.

11 Q. Do you know when the town undertook  
12 -- Well, let me finish some other  
13 questions.

14 Does the town paint the lines on  
15 the road?

16 A. We do.

17 Q. Okay. If there are potholes at the  
18 end of the winter, does the town fill  
19 those potholes?

20 A. We do.

21 Q. Okay. To your knowledge, does any  
22 other entity have responsibility for  
23 maintaining Hartwell Road?

24 A. The section of Hartwell Road that's



1 incorporated in the Hanscom - layout of  
2 Hanscom Air Force Base, they would have  
3 ownership of that section of Hartwell  
4 Road.

5 Q. How about -- Well, does anyone else  
6 plow any portion of Hartwell Road, to your  
7 knowledge?

8 A. Not that I know of.

9 Q. How about paint the lines on the  
10 road?

11 A. There are some pavement markings  
12 over towards the Raytheon facility that  
13 depict some crosswalks --

14 Q. Okay.

15 A. -- and I believe Raytheon or their  
16 subcontractor paints those.

17 Q. How about the lines specifically on  
18 the -- marking the lanes on the street?

19 A. As far as I know, we're the only  
20 ones that do that.

21 Q. Okay. Does anyone else fill  
22 potholes on the road?

23 A. I don't know if Hanscom fills  
24 potholes on their section.



1 Q. When you say "Hanscom," who does  
2 that refer to?

3 A. I'm going to refer to it as  
4 collectively Hansom and Massport.

5 Q. Okay. Have you ever seen what  
6 you're referring to as Hanscom, generally,  
7 anyone from Hanscom perform any maintenance  
8 on the road -- on Hartwell Road?

9 A. No, but I have seen them repair  
10 some of their hydrants.

11 Q. And where are those hydrants  
12 located?

13 A. They're in that section of Hartwell  
14 Road that's encompassed by the Air Force  
15 base.

16 Q. Okay. So you've indicated that  
17 there's a portion of Hartwell Road that's  
18 encompassed by what you just referred to  
19 as the Air Force base.

20 A. Yes.

21 Q. Would that also be considered  
22 Hanscom Field?

23 A. Yes.

24 Q. On the exhibits that have been





1 A. No.

2 Q. Okay. You've indicated it could be  
3 Massport or it could be the government.

4 A. It could be the government, yeah.

5 Q. Okay.

6 A. I -- This portion happens to be  
7 labeled -- labeled United States  
8 Government.

9 Q. Okay. Just for the record, south  
10 of Hartwell Road --

11 A. Mm-hmm.

12 Q. -- is that Hanscom Field?

13 A. Yes.

14 Q. And that's where the runways exist.

15 A. Yes.

16 Q. Okay. By the way, the -- are you  
17 familiar with Hanscom Air Force Base?

18 A. Yes.

19 Q. And to your knowledge, is that  
20 located south of Hanscom Field where the  
21 runways are located?

22 A. Yes.

23 Q. Okay. And Hartwell Road does not  
24 directly access Hanscom Air Force base,



1 does it?

2 A. No.

3 Q. Okay. I asked you some questions  
4 about the town maintaining Hartwell  
5 Road --

6 A. Yes.

7 Q. -- and I asked you if -- and you  
8 indicated that the town plows, sweeps,  
9 paints, fills potholes. Does the town do  
10 those things over the portion of Hartwell  
11 Road which is owned by Hanscom?

12 A. Yes.

13 Q. Okay. And do you know when the  
14 Town of Bedford started doing those  
15 things?

16 A. No.

17 Q. Have they done it throughout your  
18 entire 18 years?

19 A. Yes.

20 Q. Okay. And you're not aware of  
21 anyone else either plowing, sweeping,  
22 painting or filling potholes on Hartwell  
23 Road.

24 A. I've never seen anybody else do it.



1 A. Yes. Can I just refer to one of  
2 these exhibits?

3 Q. You may.

4 A. (Witness viewing documents). This  
5 one right here (indicating).

6 Q. Okay. And you're referring to  
7 Exhibit Number 9.

8 A. Exhibit 9 and Exhibit 4.

9 Q. Okay.

10 A. Again, this property line is the  
11 section that's incorporated by Hanscom.

12 MR. CHARNAS: I'm sorry.  
13 When you say "this property line," it  
14 doesn't show up on the record. So if you  
15 could describe it with words, it would be  
16 more helpful to us.

17 THE WITNESS: Okay.

18 A. It's a line that crosses Hartwell  
19 Road, which begins at the southerly  
20 portion of Parcel 2 on Sheet 77, also  
21 known as 153 Hartwell Road. And that line  
22 there that I just described is the same  
23 line -- the same property line depicted on  
24 Exhibit Number 9, which, again, shows the



1 property line of the parcel at 153  
2 Hartwell Road. And this plan shows that  
3 the sewer repair -- the sewer replacement  
4 was completed -- or was designed and  
5 completed along a section of Hartwell Road  
6 that is encompassed by Hanscom  
7 (indicating).

8 Q. And that work was performed by the  
9 town -- or was it subcontracted by the  
10 town?

11 A. Yes.

12 Q. And to your knowledge, are there  
13 sewer lines running the entire length of  
14 Hartwell Road?

15 A. From this point to South Road, yes  
16 (indicating).

17 Q. All right. And when you say "this  
18 point," what are you referring to?

19 A. I'm referring to the end of the  
20 project. This is a sewer manhole that the  
21 Town of Bedford maintains (indicating),  
22 from here at a gravity line that heads  
23 east towards South Road. At this sewer  
24 manhole, there is a force main -- a



1 private force main that takes the flow --  
2 the sewage flow from the Raytheon complex  
3 and pumps it up to this gravity sewer  
4 manhole. So in that section of Hartwell  
5 Road, there is sewer. And then if we go  
6 to the western part of Hartwell Road,  
7 there's sewer from approximately what I  
8 had earlier described as Sorens Way to  
9 Concord Road. So --

10 Q. And so is there a span where there  
11 is no sewer line under the road?

12 A. Yes. A short section between the  
13 Raytheon facility and the Sorens Way  
14 development.

15 Q. When that work was performed by the  
16 town, did the town need to get permission  
17 from Hanscom to open the street?

18 A. No.

19 Q. Okay.

20 A. Well, I don't know if we needed to,  
21 but we didn't.

22 Q. Okay. Do you know if the Bedford  
23 Police Department patrols Hartwell Road?

24 A. I would assume they do, yes. Yup.



1 Q. I don't want you to guess, but have  
2 you spoken -- in preparing for today's  
3 deposition, did you speak to anyone from  
4 the police department?

5 A. No.

6 Q. Okay. When the construction was  
7 done for the sewer line, do you know if  
8 the Bedford Police maintained any police  
9 details on that road?

10 A. They did.

11 Q. Okay. Are you aware of any other  
12 law enforcement agency that patrols  
13 Hartwell Road?

14 A. I don't know of any, no.

15 Q. When the construction -- This sewer  
16 project was completed two years ago. Are  
17 you aware of any other law enforcement  
18 agency that conducted a detail on Hartwell  
19 Road?

20 A. There were only Bedford detail  
21 officers.

22 Q. Are you aware of -- Do you know if  
23 the Bedford Police Department patrols the  
24 residential neighborhoods located on or off



1 asked, by any chance?

2 A. I think we probably discussed it.  
3 And the fact that the age of the utility  
4 poles probably were there before -- just  
5 in a sequence of events that, in order for  
6 people to have a facility on Hartwell  
7 Road, they had to have power, but the  
8 guardrail was installed after Hartwell Road  
9 had been used for those particular  
10 facilities.

11 Q. So it was your general  
12 understanding that the guardrail was placed  
13 at a later time than the telephone poles.

14 A. At a later -- Okay. Yes.

15 Q. That the guardrail was placed after  
16 the telephone poles --

17 A. Correct.

18 Q. -- were placed.

19 A. Correct.

20 Q. And by "after," I mean in time.

21 A. Yes.

22 Q. Okay. Was there anything else that  
23 led you to that conclusion?

24 A. The -- There was a chain link fence



1 behind the guardrail. And as I understand  
2 it, the guardrail was put up to, again,  
3 protect the air base and the chain link  
4 fence. So the -- The chain link fence  
5 was there to keep people from parking, and  
6 that's what Mr. Genetti told me, to keep  
7 them from parking up in there.

8 Q. When you say "up in there," do you  
9 mean on that --

10 A. Up in this section of the  
11 photograph, basically, along where the  
12 utility poles and the guardrail is. It's  
13 actually at the top of the hill, so --  
14 (indicating).

15 Q. And so how did that relate to your  
16 belief that the guardrail was placed after  
17 the telephone pole was placed?

18 A. Again, if there was facilities on  
19 Hartwell Road, they would've needed power,  
20 so I believe that utility poles were there  
21 -- predated the guardrail and the chain  
22 link fence.

23 Q. And is that because those  
24 facilities predated Hanscom Field?





1 A. Oh, I don't know. They do show  
2 buildings on the plan dated 19 -- 1951.  
3 And if properties were taken in --

4 Q. And what Exhibit are those  
5 buildings shown on?

6 A. Exhibit 8.

7 MR. CHARNAS: Off the record  
8 for a second.

9 (Recess taken).

10 BY MR. LEWIN:

11 Q. You've used the word "facilities"  
12 several times in the context of this  
13 conversation. By facilities, what are you  
14 referring to?

15 A. The industrial buildings.

16 Q. Okay. And by "industrial  
17 buildings," you mean those located along  
18 Hartwell Road that you identified  
19 earlier --

20 A. Yes.

21 Q. -- in the deposition?

22 A. Yes.

23 Q. So you mentioned that there were  
24 buildings depicted on Exhibit 8.



1 A. Yes.

2 Q. And these are the industrial  
3 buildings that you've been referring to?

4 A. Exhibit 8 does not show the full  
5 build-out of what today's buildings look  
6 like. They show other -- other buildings.

7 Q. Okay. So on Exhibit 8, there are  
8 buildings depicted along the side of  
9 Hartwell Road.

10 A. Yes.

11 Q. And Exhibit Number 8, if I  
12 understand it correctly, are -- is a plan  
13 for the construction of -- of Hanscom  
14 Field; is that right?

15 A. It's -- It looks like Exhibit 8 is  
16 a general plan depicting existing  
17 conditions. I don't see any planning or  
18 any parcels depicted here.

19 Q. Okay. Do you know when Hanscom  
20 Field was constructed?

21 A. I don't know. In the '40s, I  
22 believe.

23 Q. In the '40s?

24 A. I probably should know, but I don't



1 know offhand.

2 Q. But you indicated at some point a  
3 fence was erected to keep people from  
4 parking along the side of Hartwell Road.

5 A. Yes.

6 Q. And can you just explain for me  
7 again how this influenced your belief that  
8 the guardrail was placed before -- I'm  
9 sorry, after the telephone poles were  
10 placed?

11 A. Now, the chain link fence is only  
12 mentioned in the fact that the guardrail  
13 was, as I understand it, there to protect  
14 the chain link fence.

15 Q. Okay. And I may have just  
16 misunderstood you, but what does that have  
17 to do with your belief that the guardrail  
18 was placed after the telephone poles were  
19 placed?

20 A. I believe I was answering a  
21 question as to why I thought utility poles  
22 were there, and I explained that they were  
23 there to serve some buildings that  
24 existed.



1 Q. Okay.

2 A. That's why I believe the utility  
3 poles were there first; then,  
4 chronologically, the chain link fence, then  
5 the guardrail.

6 Q. And how do you know that the  
7 buildings were there before the chain link  
8 fence was there? Do you understand my  
9 question?

10 A. Yup. In 1951, it shows the fence.  
11 It shows some buildings, but not the  
12 buildings that are there today.

13 Q. And that's Exhibit Number 8.

14 A. Yes.

15 Q. So from Exhibit Number 8, you can't  
16 tell which was there first, the buildings  
17 or the fence; is that right?

18 A. The buildings that are there today  
19 are not shown on the 1951 plan, but the  
20 fence is.

21 Q. Okay.

22 A. But there are -- there are  
23 buildings.

24 Q. Which leads to your belief that



1 like to have it marked as 12A.

2 BY MR. CHARNAS:

3 Q. I'm going to ask you some questions  
4 about it.

5 (Exhibit-12A, MapQuest Map  
6 of Hartwell Road, marked for  
7 identification).

8 BY MR. CHARNAS:

9 Q. Now, apparently that map or a copy  
10 of the map came from MapQuest. Is that  
11 generally accurate without being accurate  
12 in all details?

13 A. (Witness viewing document). I  
14 would say so, yes.

15 Q. Is there a street off Hartwell Road  
16 called Independence Court?

17 A. There is.

18 Q. Is Independence Court depicted on  
19 that map, Exhibit 12A?

20 A. (Witness viewing document). I  
21 would say that it's the zigzag line just  
22 south of Hartwell Road.

23 Q. Could you -- Would you be kind  
24 enough to put a little arrow to that road



1 and write in Independence Court for us?

2 A. Certainly.

3 (Witness complied).

4 Q. Now, Pole Number 37, also called  
5 Pole Number 16-37, do you know  
6 approximately where that pole is?

7 A. Yes.

8 Q. Can you put a little X in the  
9 approximate position of where Pole 37 or  
10 16-37 is?

11 A. Can I refer to another document?

12 Q. Absolutely. You can refer to any  
13 document that's been marked as an exhibit  
14 here or any document which you brought  
15 with you if it helps you to answer any of  
16 the questions I ask you.

17 A. (Witness viewing document). Okay.

18 Q. Thank you. And, again, this is  
19 just an approximation on your part,  
20 correct?

21 A. Mm-hmm. Yes.

22 Q. Is it fair to say that the location  
23 of Pole 37 or 16-37 is on the southerly  
24 side of Hartwell Road?



1 A. It is.

2 Q. Now, you mentioned before that  
3 there were residences along Hartwell Road;  
4 is that correct?

5 A. Yes.

6 Q. Do you have in your mind  
7 approximately where those residences are  
8 along Hartwell Road?

9 A. Yes.

10 Q. Would you be good enough to put an  
11 R on the map in the area where there are  
12 residences? And I don't mean an R for  
13 each residence --

14 A. Mm-hmm.

15 Q. -- but just generally Rs where  
16 there are residences on that roadway?

17 A. (Witness complied).

18 Q. Thank you. And basically, you've  
19 drawn Rs with arrows between them to  
20 depict areas where there are residences.

21 A. Yes.

22 Q. Thanks. You did it better than my  
23 question was.

24 A. I -- I don't know --



1 Q. No, that's fine. That's fine.

2 Thank you.

3 And also on Washington Street,  
4 Benson Street and Independence Road, which  
5 are off Hartwell Road, are there also  
6 residences there?

7 A. (Witness viewing document). There  
8 are.

9 Q. Could you do the same thing --

10 A. Yeah.

11 Q. -- in regard to the Rs?

12 A. (Witness complied). I don't know  
13 if it matters, but Beacon Street doesn't  
14 go through. You cannot physically drive  
15 from one end -- from Washington Street to  
16 Hartwell Road.

17 Q. Can you -- You cannot?

18 A. No.

19 Q. Can you access Hartwell Road  
20 directly from Beacon Street?

21 A. It's a dead end.

22 Q. Dead end on which side, on the  
23 Washington Street side or on the Hartwell  
24 Road side?





1 A. Both.

2 Q. Okay.

3 A. There's a -- maybe a 200 -- You  
4 can come in from Washington Street on  
5 Beacon Street to a dead end and you can  
6 come in from Hartwell Road to Beacon  
7 Street on a dead end, and the two dead  
8 ends are two, 250 feet apart.

9 Q. If you lived on Beacon Street and  
10 you wanted to get to South Road, for  
11 example, could you travel from Beacon  
12 Street onto Hartwell Road?

13 A. Yes.

14 Q. You also mentioned that there was  
15 an egg farm on Hartwell Road.

16 A. Yup.

17 Q. Could you put EF where the egg farm  
18 is, again, on Exhibit 12A?

19 A. Egg farm is --

20 Q. And these are all approximate.

21 A. Yeah.

22 (Witness complied).

23 Q. And you said also earlier in your  
24 testimony that there were industrial



1 buildings along Hartwell Road. Could you  
2 put an IB in the areas -- area or areas  
3 where there are industrial buildings along  
4 Hartwell Road?

5 A. (Witness complied).

6 Q. You mentioned also that there was a  
7 Raytheon facility. Is that one of the IBs  
8 or industrial buildings --

9 A. It is.

10 Q. -- you depicted? Thank you. And  
11 I think you also mentioned there was some  
12 retail development somewhere along Hartwell  
13 Road.

14 A. You mean the egg farm?

15 Q. Is that what you meant when you  
16 said retail development?

17 A. There's a retail development on  
18 Concord Road --

19 Q. I see.

20 A. -- that I was describing in the  
21 area of Concord Road.

22 Q. Okay. All these marks you made on  
23 -- on Exhibit 12A regarding to industrial  
24 buildings, the egg farm, the residences,



1 did all these buildings exist in January  
2 of 2002 to the best of your knowledge?

3 A. (Witness viewing document). Yes.

4 Q. Thank you. Now, I'd like to go  
5 over these maps that have been marked as  
6 exhibits. We have here one map which is  
7 Sheet 15, and then there was a Sheet 14  
8 that went with it --

9 A. Yes.

10 Q. -- is that right? And those two  
11 sheets make up Exhibit 3.

12 A. (Witness viewing document). Yes.

13 Q. First, let me ask you -- Well, let  
14 me back up for a moment. Hartwell Road,  
15 I think you've already told us, is  
16 depicted on those two sheets, correct?

17 A. Correct.

18 Q. Is the location of Pole 37 or 16-37  
19 depicted on either of the sheets of  
20 Exhibit 3?

21 A. (Witness viewing document). I  
22 roughly drew in where it was. Can you  
23 see that little circle that I drew there  
24 (indicating)?

